

Art Unit: 1651

***Election/Restrictions***

Claims 50-55, 59-63, 68 and 76-92 are allowable. The restriction requirement between Groups I and II, as set forth in the Office action mailed on 10/28/02, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 56-58 and 64-67 and 69-75 are rejoined. In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Russett on September 2, 2008.

The application has been amended as follows:

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IN THE CLAIMS:

In claim 54, at the last line of the claim, the phrase “beta-D-galactosidase moiety” was replaced by --prosthetic group that can be cleaved from the prodrug by the enzyme --.

In claim 55, the phrase --  $R^5$  is a beta-D-galactosidase moiety -- was inserted after “radionuclide”.

In claims 60 and 77, at line 4 of each claim, the phrase “a cellulase,” was deleted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN HANLEY whose telephone number is (571)272-2508.

The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Susan Hanley/  
Examiner, Art Unit 1651

/Irene Marx/  
Primary Examiner  
Art Unit 1651

**Search Notes (continued)**

Application/Control No.

09/839,779

Examiner

SUSAN HANLEY

Applicant(s)/Patent under  
Reexamination

KASSIS ET AL.

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1651

**SEARCHED**

Class	Subclass	Date	Examiner

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
WEST: PGPBUS, DWPI, EPAB, JPAB, USPAT, see attached	9/1/2008	SMH
Interference search: PGPUBS and uspat	9/1/2008	SMH